

Response to Written Comments

Amendment Order No. R1-2021-0042

For

National Pollutant Discharge Elimination System, Waste Discharge Requirements

Order R1-2020-0010

WINDSOR WATER DISTRICT

WASTEWATER TREATMENT, RECLAMATION, AND DISPOSAL FACILITY

NPDES NO. CA0023345

WDID NO. 1B820370SON

Sonoma County

Comments Received

The deadline for submittal of public comments regarding draft Amendment Order No. R1-2021-0042 (Draft Order), for the amendment of the Water Quality Trading Framework as adopted in Order No. R1-2020-0010, Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit for the Windsor Water District (Permittee), Wastewater Treatment, Reclamation and Disposal Facility (Facility) was October 14, 2021. Regional Water Board staff (Staff) received written comments from the Permittee only.

This Response to Comments document includes a summary of comments received from each of these commenters, Regional Water Board staff responses, and staff-initiated changes. Text added to the Proposed Permit is identified by underline and text to be deleted from the Proposed Permit is identified by ~~strike-through~~ in this document. The term “Draft Order” refers to the version of the Amendment Order that was sent out for public comment. The term “Proposed Oder” refers to the version of the Amendment Order that has been modified in response to comments received and is being presented to the North Coast Regional Water Quality Control Board (Regional Water Board) for consideration.

Windsor Water District (District)

Comment No. 1: *The District provided the following comment regarding Section 2.3 (Credit Units) of the draft WQTF, as proposed in the Draft Order. This section states that “Water quality credits generated under this Framework may be used to offset a pollutant discharge that occurs during a single discharge season.” While remaining sections of the WQTF authorize credit banking of generated credits and the application*

of generated credits over subsequent years, which confirms unused generated credits can be banked and subsequently used in accordance with approved Project Plans, the District simply wants to ensure that the standalone sentence in Section 2.3 does not give the impression that credits generated in a discharge season must be used in that same discharge season. The District suggests a minor change as follows, "Water quality credits generated under this Framework are available to offset pollutant discharges that occur during a single discharge season."

Response to Comment 2: This is a reasonable request that is consistent with the intent of the amended WQTF and Draft Order's language. The Proposed Order and amended WQTF have been modified to include the language proposed by the Permittee. Section 2.3 of the amended WQTF, and the respective language within the Proposed Order that discuss this section, has been modified as follows:

Water quality credits generated under this Framework ~~may be used~~ are available to offset a pollutant discharges that occurs during a single discharge season.

Staff Initiated Changes

To maintain consistency with the WQTF and with the document included in the City of Santa Rosa's (City) NPDES permit, staff has included changes to Section 8.3.1 and proposed Footnote 11 (Suspension or Cancellation of Previously Generated Credits).

While the City supports the inclusion of Footnote 11, which states, "Previously generated/certified credits may be suspended or cancelled based on the timing and basis for the material failure," the City believes the language could be strengthened within the text of the footnote or Section 8.3.1. to make clear that the suspension or cancellation of previously generated and applied credits, that might result in a credit deficit, will only occur if the credits were generated and applied after the established date of material failure. One suggestion is to amend Footnote 11 to state: "Previously generated/certified credits may be suspended or cancelled based on the timing and basis for the material failure, and the suspension or cancellation of previously generated and applied credits, that might result in a credit deficit, will only occur if the credits were generated and applied after the established date of material failure."

Footnote 11 has been modified to provide this clarification as follows:

¹¹ Previously generated/certified credits may be suspended or cancelled based on the timing and basis for the material failure. Used credits originating from a project that has experienced a material failure shall not be suspended or cancelled unless the timing and basis of the material failure indicate that the credits should not have been certified. The timing of a material failure shall extend from the date that a material failure first occurred until the date that it is corrected to the satisfaction of the Executive Officer.